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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,322	12/12/2001	Christopher Dansie	3211.11	4354
21552	7590	05/05/2006	EXAMINER	
MADSON & AUSTIN GATEWAY TOWER WEST SUITE 900 15 WEST SOUTH TEMPLE SALT LAKE CITY, UT 84101			NANO, SARGON N	
			ART UNIT	PAPER NUMBER
			2157	
DATE MAILED: 05/05/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/015,322	DANSIE ET AL.
Examiner	Art Unit	
Sargon N. Nano	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 Feb. 2006.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 8 - 16, 20 - 23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 8 - 16, 20 - 23 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## DETAILED ACTION

1. This action is responsive to RCE filed on February 26, 2006. Claims 8 and 14 were amended, claims 20 – 23 were newly added. Claims 8 – 16 and 20 – 23 are pending examination .

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 8 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The amended language in claim 8 such as "from the server, wherein the autonomous multimedia computing device does not receive updates

from other autonomous multimedia computing devices" and claim language of the newly added claim 22 are not supported by the specification.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 8 – 13 , 15, 16 and 21 – 23 rejected under 35 U.S.C. 102(e) as being anticipated by Kenner et al. U.S. Patent No. 6,314,565 (referred to hereafter as Kenner).

Kenner teaches a system and method for updating multimedia software components on a user terminal (see abstract).

As to claim 8, Kenner teaches a method for providing an autonomous multimedia computing device, the method comprising:

storing a local copy of a configuration file and multimedia content on the autonomous computing device, wherein the configuration file comprises parameters and settings which determine how the autonomous multimedia computing devices operates (see col. 4 lines 54 – col. 5 line7, Kenner discloses the configuration information are stored on the system);

polling a server at predetermined time intervals via a public Internet connection for updates to one or more processes, the local copy of the configuration file, and the multimedia content (see col. 4, lines 37 – 53 Kenner discloses the software updating tool analyzes and updates the multimedia software at the user's terminal );

in response to updates being available from the server, downloading one or more updates from the server, wherein the autonomous multimedia computing device does not receive updates from other autonomous multimedia devices (see col. 4 lines 38 – 53 Kenner discloses downloading a script file from update service provider coupled to a network); and

playing the multimedia content based on instructions contained within the local copy of the configuration file (see col.5 lines 8 – 15, Kenner discloses the browser is opened after the completion of the of downloading the upgrades ).

As to claim 9, Kenner teaches the method of claim 8, wherein storing comprises saving the local copy of the configuration file and the multimedia content to a storage device integrated with the computing device (see col. 6 lines 26 – 55).

As to claim 10, Kenner teaches the method of claim 8, wherein polling comprises:

connecting to a server from within a firewall (see col.4 lines 38 - 53).

As to claim 11, Kenner teaches the method of claim 8, wherein polling comprises:

connecting to a server via a fault-prone network connection ( see col.9 lines 15 - 29).

As to claim 12, Kenner teaches the method of claim 8, wherein polling further comprises:

reportng display statistics associated with the multimedia content (see col. 3 lines 54 - 63).

As to claim 13 Kenner teaches the method of claim 8, wherein downloading comprises:

streaming at least one update to the computing device prior to allowing access to the updates( see col.2 lines 40 - 55).

As to claim 15, Kenner teaches the method of claim 8, wherein the updates are downloaded via a fault-tolerant network connection which allows downloading of a file to resume once a broken network connection is re-established (see col. 9 lines 15 – 29).

As to claim 16, Kenner teaches the method of claim 8, wherein the multimedia content comprises interactive content allowing a user to interact with the computing device (see col.10 lines 5 – 29).

As to claim 21, Kenner teaches the method of claim 8, wherein the configuration file defines a program that comprises one or more media files and priority and timing information for the one or more media files, and wherein playing the multimedia content comprises playing the one or more media files according to the priority and timing information (see col. 7 lines 17 – 46).

As to claim 22, Kenner teaches the method of claim 21, wherein the configuration file for the autonomous multimedia computing device is different from configuration files

for the other autonomous multimedia computing devices (see col. 4 lines 54 – col. 5 line7).

As to claim 23, Kenner teaches the method of claim 22, wherein the multimedia computing device is a multimedia display device, and wherein the multimedia content does not allow input from a user of the multimedia display device (see col. 2 line 56 – col. 3 line 20).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5.** Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner et al. U.S. Patent No. 6,314,565 (referred to hereafter as Kenner) in view of Hanzek U.S. Patent No. 6,980,963. (referred to hereafter as Hanzek).

Kenner teaches the invention as mentioned above. Kenner does not explicitly teach the file is an extensible Markup Language (XML) format. However, Hanzek teaches an online system and method for consumer product having specific configuration where multimedia documents are created using multiple formats such as HTML and XML. It would have been obvious to one of the ordinary skill in the art at the time of the invention to include XML format in Kenner's invention because doing so, would allow to create customized tags, enabling the definition, transmission, validation and

interpretation of data between applications and organizations (see Hanzek col. 7 line 44 – col. 8 line 3).

***Response to Arguments***

6. Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

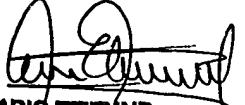
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N. Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano

April 18, 2006

  
ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
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